

Appl. No. 10/017,852
Amendment Dated 6/10/2005
Reply to Office Action of March 10, 2005

REMARKS

Claims 1-19 stand in this application. Claims 1, 6, 10, 14, and 17 have been amended. No new matter has been added. Favorable reconsideration and allowance of the standing claims are respectfully requested. Applicant respectfully requests favorable reconsideration and allowance of the standing claims.

At page 2 of the Office Action claims 1 and stand rejected under 35 U.S.C. § 102(a) as being anticipated by United States Patent Number (USPN) 5,812,653 to Jodoin et al. ("Jodoin"). Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the anticipation rejection.

Applicant respectfully submits that to anticipate a claim under 35 U.S.C. § 102(a), the cited reference must teach every element of the claim. See MPEP § 2131, for example. Applicant submits that Jodoin fails to teach each and every element recited in claims 1 and 14 and thus they define over Jodoin. For example, with respect to claim 1, Jodoin fails to teach, among other things, the following language:

designating an access number associated with at least one
of said plurality of call terminals participating in said audio
bridge session as a bridge number....

According the Office Action, this language is disclosed by Jodoin at fig. 1, col. 8, line15- col. 10, line 9, col. 5, lines 14-15, and col. 11, lines 46-60. Applicant respectfully disagrees. Jodoin at the given cite, in relevant part, states that a subscriber of the conferencing service is first assigned a primary authorization code, a code assignment directory number (DN), and a conference DN. Before a conference, the subscriber calls the code assignment DN, provides the primary authorization code, and receives a

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secondary authorization code for distribution to persons who will participate in the conference call. The subscriber then dials the conference DN and provides the primary authorization code to the conferencing service to initiate the conference call (Abstract). In contrast, the claimed subject matter recites "designating an access number associated with at least one of said plurality of call terminals participating in said audio bridge session as a bridge number." Jodoin, however, fails to disclose designating an access number associated with a call terminal participating in the teleconference as a bridge number for the conference. Jodoin merely discloses that "a conference is initiated at a particular bridge by the first call connected to the corresponding DN" (Col. 5, lines 15-17). Jodoin fails to disclose, however, that the bridge number is designated as an access number of one of the call terminals participating in the audio bridge session. Consequently, Jodoin fails to disclose all the elements or features of the claimed subject matter. Accordingly, Applicant respectfully requests removal of the anticipation rejection with respect to claim 1.

Claim 14 recites features similar to those recited in claim 1. Therefore, for reasons analogous to those presented with respect to claim 1, Applicant respectfully submits that claim 14 is not anticipated and are patentable over Jodoin. Accordingly, Applicant respectfully requests removal of the anticipation rejection with respect to claim 14.

At page 3, paragraph (a) of the Office Action claims 2-5 and 15-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Jodoin. Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the obviousness rejection.

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To form a proper *prima facie* case of obviousness under 35 U.S.C § 103(a) a cited reference must teach or suggest every element of the claim. See MPEP § 2143.03, for example. Applicant respectfully submits that the Office Action has not established a *prima facie* case of obviousness because the cited reference fails to teach or suggest every element recited in claims 1 and 14. For example, applicant respectfully submits that Jodoin fails to teach or suggest, among other things, the following language:

designating an access number associated with at least one
of said plurality of call terminals participating in said audio
bridge session as a bridge number....

Furthermore, Applicant respectfully submits that if an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is non-obvious. See MPEP § 2143.03, for example. Therefore, Applicant respectfully submits that claims 2-5, which depend from claim 1, and claims 15-16, which depend from claim 14, are non-obvious in view of Jodoin at least because Jodoin fails to teach or suggest each and every element recited in these claims. Accordingly, Applicant respectfully request removal of the obviousness rejection with respect to claims 2-5, and 15-16.

At page 4, paragraph (b) of the Office Action claims 6-9 and 17-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Jodoin in view of USPN 6,407,996 to Witchalls ("Witchalls"). Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the obviousness rejection.

To form a proper *prima facie* case of obviousness under 35 U.S.C § 103(a) the cited references, when combined, must teach or suggest every element of the claim. See MPEP § 2143.03, for example. Applicant respectfully submits that the Office Action has not established a *prima facie* case of obviousness because the cited references, taken

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alone or in combination, fail to teach or suggest every element recited in claims 6-9 and 17-19.

With respect to claim 6, Applicant respectfully submits that Jodoin fails to teach or suggest, among other things, the following language:

designating an access number associated with at least one of said first, second, and third call terminals participating in said audio bridge session as said bridge number...

This feature of claim 6 is similar to the feature discussed above with respect to claims 1 and 14. Therefore, for reasons analogous to those discussed above with respect to claims 1 and 14, Applicant submits that claim 6 is patentable over Jodoin. The combination of Witchalls with Jodoin fails to overcome the limitations of Jodoin taken alone. For example, Witchalls merely discloses a system that operates on a point to point basis where the first user connects with the second user and the second user connects with the third user. Witchalls, however, fails to disclose, teach or suggest to designate an "access number associated with at least one of said first, second, and third call terminals participating in said audio bridge session as said bridge number," as recited in claim 6. Therefore, Applicant respectfully requests removal of the obviousness rejection with respect to claim 6 and claims 7-9, which depend therefrom.

Claim 17 recites features similar to those recited in claim 6. Therefore, for reasons analogous to those presented with respect to claim 6, Applicant respectfully submits that claim 17 and dependent claims 18-19 are patentable over Jodoin and Witchalls, taken alone or in combination. Accordingly, Applicant respectfully requests removal of the obviousness rejection with respect to claim 17-19.

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At page 6, paragraph (c) of the Office Action claims 10-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over European Patent No. EP1091550A2 ("Shaffer") in view of Jodoin. Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the obviousness rejection.

As indicated previously, to form a proper *prima facie* case of obviousness under 35 U.S.C § 103(a) the cited references, when combined, must teach or suggest every element of the claim. See MPEP § 2143.03, for example. Applicant respectfully submits that the Office Action has not established a *prima facie* case of obviousness because the cited references, taken alone or in combination, fail to teach or suggest every element recited in claims 6-9 and 17-19.

With respect to claim 10, Applicant respectfully submits that Jodoin fails to teach or suggest, among other things, the following language:

[a] gatekeeper to use said access number of said call terminal as a bridge number designated by said call terminal participating in said audio bridge session....

Rather, Shaffer is directed to a technique to optimize selection of media stream mixing locations for a multipoint conferencing system. Shaffer, Col. 2: Lines 55-58. The optimizing may be based on network costs or endpoint coding resources. Id. at Col. 3: Lines 1-3. The optimizing occurs by selecting a multipoint control unit (MCU) to mix the different media streams. Id. at Col. 4: Lines 4-6.

Shaffer and Jodoin, taken alone or in combination, fail to disclose, teach or suggest an "access number" as recited in the claimed subject matter, let alone a "gatekeeper" to use the "access number" of a call terminal "as a bridge number designated by the call terminal participating in [the] audio bridge session." Accordingly,

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Applicant respectfully requests removal of the obviousness rejection with respect to claim 10 and 11-133, which depend therefrom.

For at least the above reasons, Applicant submits that claims 1-19 are patentable because they recite features that the cited references, whether taken alone or in combination, fail to disclose, teach or suggest. Further, Applicant submits that the above-recited novel features provide new and unexpected results not recognized by the cited references. Accordingly, Applicant submits that the claims are not anticipated nor rendered obvious in view of the cited references.

It is believed that claims 1-19 are in allowable form. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

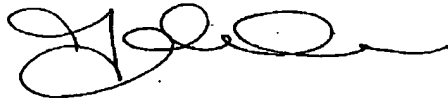
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The Examiner is invited to contact the undersigned at 724-933-3387 to discuss any matter concerning this application.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP



John F. Kacvinsky, Reg. No. 40,040
Under 37 CFR 1.34(a)

Dated: June 10, 2005

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